

Planning Commission Public Hearing
Staff Report
March 1, 2007



Case: 9-67-06W
Project Name: Clean Cars, Inc.
Location: 5203 Preston Highway

Owner(s): Radcliff Co., Inc.
Applicant: Charles Hertzman
Representative: Alex Rosenberg, P.E.

Project Size/Area: 0.71 AC

Jurisdiction: Louisville Metro
Council District: 2 - Shanklin

Case Manager: Chris French, AICP for Stephen Lutz, AICP

Request

Rezoning from C-1 to C-2 for automobile sales and a waiver of the 10 foot LBA adjacent to Preston Highway

Approvals Needed:

Rezoning Request
Landscape Waiver

Staff Recommendation

Staff recommends **Approval** of the zoning change, C-2 uses are appropriate within the Suburban Marketplace Corridor. Staff recommends **Approval** of the landscape waiver on **Condition** that the applicant maximizes landscape plantings within existing green spaces on the site. The applicant has worked with PDS landscape architect on a conceptual landscape plan that accomplishes this task. The applicant should provide details on this planting plan.

Technical Issues

The applicant should address issues identified in the Site Inspection Committee Report such as the need to paint the existing sign and the provisions for lighting at the rear of the site. All new lighting fixtures shall be required to meet the lighting requirements listed within the LDC for the Neighborhood Form District. At LD&T, the applicant agreed to provide information on the size of the existing freestanding sign on the lot, this information has not been provided as of the finalization of this report.

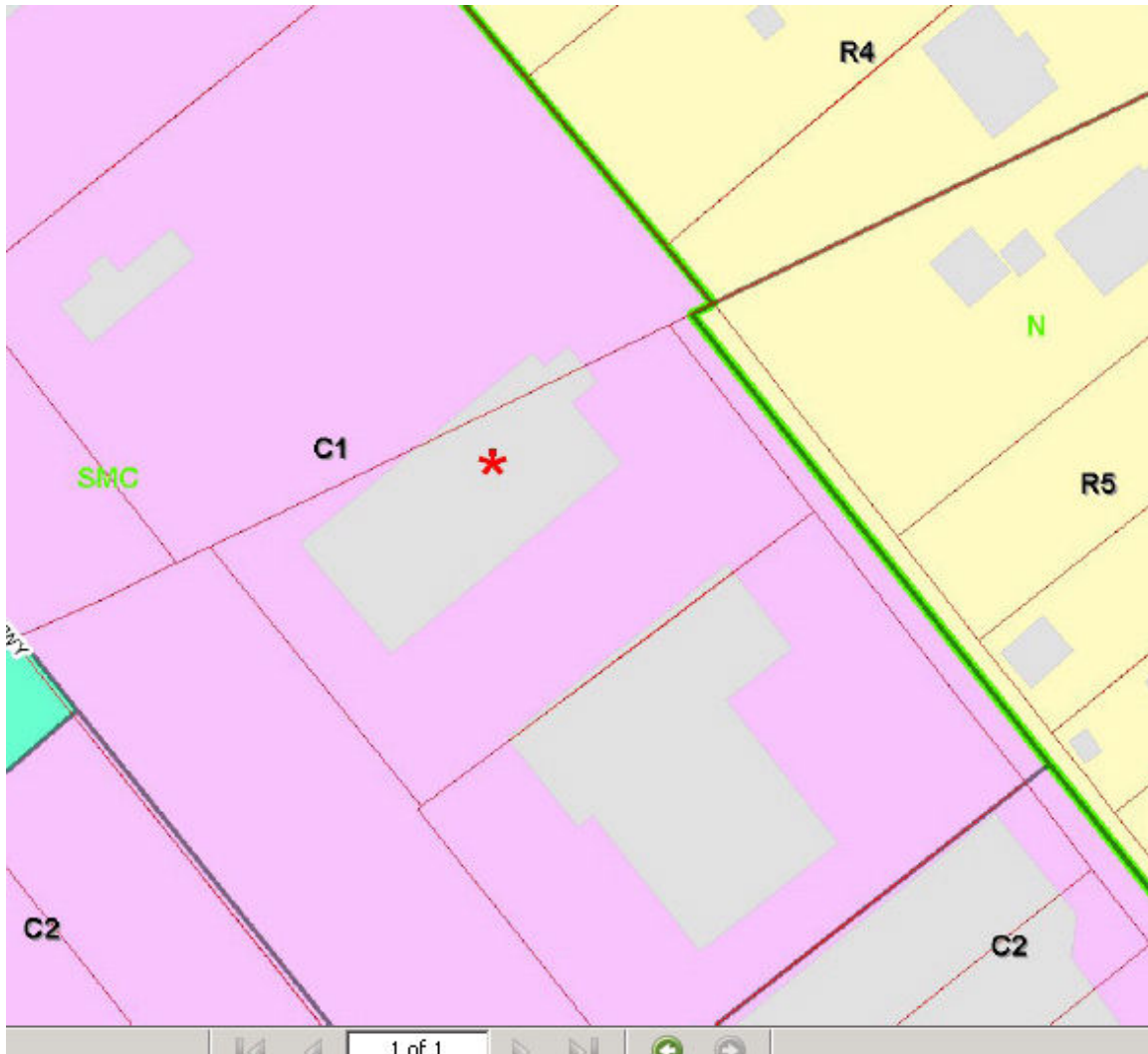
Case Summary / Background ***Summary***

The applicant proposes to rezone an existing 5,824 square foot building from C-1 to C-2, the proposed use is automobile sales. 24 existing off-street parking spaces are shown on the plan. A 10 foot Landscape Buffer Area (LBA) is required based on the outdoor sales and display requirements of chapter 4 and the landscape requirements for vehicle use area screening in chapter 10, part 2 of the Land Development Code (LDC). The remainder of the site is not required to meet the requirements of chapter 10 because no new building area or vehicle use area is proposed. The applicant has requested a waiver of the 10 foot LBA adjacent to Preston Highway.

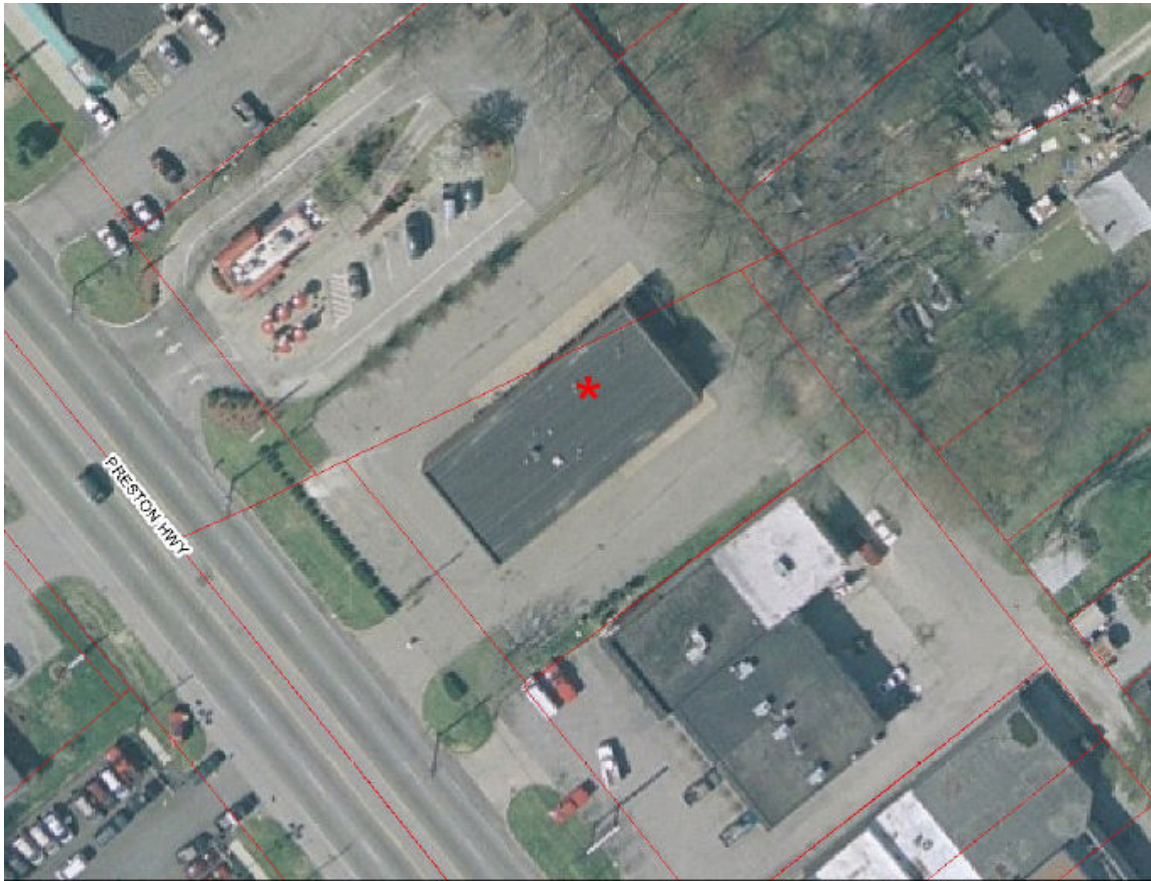
Site Context

The site is located within the Suburban Marketplace Corridor form district and is currently a vacant commercial property that was previously used as an automobile service facility. The properties to the sides and across the street are zoned and used for non-residential development. An unimproved alley is at the rear of the site and across from this unimproved alley are single-family residential uses zoned R-4 and R-5.

Zoning Map of the Site



Aerial View of Site



Land Use / Zoning District / Form District

	Land Use	Zoning	Form District
Subject			
Existing	Vacant Building	C-1	Suburban Marketplace Corridor
Proposed	Automobile Sales	C-2	Suburban Marketplace Corridor
Surrounding			
North	Single Family Residential, unimproved alley	R-4 and R-5	Neighborhood Form District
South	Office and Commercial	OR-1 and C-2	Suburban Marketplace Corridor
East	Commercial	C-1	Suburban Marketplace Corridor
West	Commercial	C-1	Suburban Marketplace Corridor

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Project History

Project History	Date	Issues addressed / discussion / changes to proposal
Neighborhood Meeting	10/24/06	PA system for paging only, hours of operation between 9AM – 9PM M-F, 9AM-6PM Sat., and 12PM – 6PM Sun., and applicant will keep rear of property clean.
Project submittal	12/11/06	
LD&T review	1/11/07	Landscaping and existing sign

Note: The following information represents staff analysis of the subject property with respect to site inspection/observation, sound planning practices, and adopted policies and regulations of the jurisdiction. Materials submitted by the applicant or their representative prior to the deadline for filing information related to cases docketed for this hearing were reviewed and specifically applied in the staff review of this request. The board is advised to consider this staff report as well as new information introduced at the hearing in formulating their decision.

Staff Findings

Relationship to Comprehensive Plan - Cornerstone 2020 Plan Elements:

*see attached sections of Cornerstone 2020

Community Form

This proposal is located within the Suburban Marketplace Corridor form district, the proposed C-2 zoning and the automobile sales land use are appropriate within the SMC form district and appears to be compatible to surrounding land uses (1.B.8, 3.1, 3.7, 3.9)

Mobility / Transportation

The developer will dedicate right-of-way in accordance with Chapter 6 of the LDC and will provide a sidewalk in accordance with the requirements of Chapter 5 and 6 of the LDC. The developer also shows cross access easements on the property for potential use in the future in accordance with the LDC (7.1, 7.2, 7.9, 7.13, 9.1)

Relationship to Neighborhood, Small Area, Corridor or Other Plan(s)

The site is not located within the area of any adopted plans.

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Standard Of Review

Criteria for granting the proposed rezoning:

1. The proposed rezoning complies with the applicable guidelines and policies of Cornerstone 2020; **or**
2. The existing zoning classification is inappropriate and the proposed classification is appropriate; **or**
3. There have been major changes of an economic, physical, or social nature within the area involved which were not anticipated in Cornerstone 2020 which have substantially altered the basic character of the area.

Site Inspection Report

Date: 2/2/2007

Commissioners: Queenan and Hatfield

Clean Cars

COMMENTS:

1. Ask about lighting in rear to help curb graffiti
2. Add sidewalk out front
3. Similar operations nearby
4. Request sign pole be painted
5. Proper form district

Notification

Date	Description	Recipients
12/28/06	LD&T Notice	Neighborhood Groups and adjoining property owners
1/30/07	Public Hearing Notice	Adjoining property owners

Proposed Binding Elements – Docket 9-67-06W

1. The development shall be in accordance with the approved district development plan, all applicable sections of the Land Development Code (LDC) and agreed upon binding elements unless amended pursuant to the Land Development Code. Any changes/additions/alterations of any binding element(s) shall be submitted to the Planning Commission or the

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Planning Commission's designee for review and approval; any changes/additions/alterations not so referred shall not be valid.

2. The development shall not exceed 5,825 square feet of gross floor area
3. Signs shall be in accordance with Chapter 8.
4. No outdoor advertising signs, small freestanding signs, pennants, balloons, or banners shall be permitted on the site.
5. Construction fencing shall be erected when off-site trees or tree canopy exists within 3' of a common property line. Fencing shall be in place prior to any grading or construction to protect the existing root systems from compaction. The fencing shall enclose the entire area beneath the tree canopy and shall remain in place until all construction is completed. No parking, material storage or construction activities are permitted within the protected area.
6. Before any permit (including but not limited to building, parking lot, change of use, site disturbance, alteration permit or demolition permit is requested:
 - a. The development plan must receive full construction approval from Louisville Metro Department of Inspections, Permits and Licenses, Louisville Metro Public Works and the Metropolitan Sewer District.
 - b. The property owner/developer must obtain approval of a detailed plan for screening (buffering/landscaping) as described in the planting details outlined within the concept landscape plan presented at the March 1, 2007 Planning Commission meeting prior to occupancy of the site for the specific use shown on this plan. The plan shall meet the requirements Chapter 10, Part 4 (Implementation) of the LDC. Such plan shall be implemented within the Spring of 2007, more precise timing may be stipulated within the landscape plan approval.
7. A certificate of occupancy for the specific use shown on this plan must be received from the appropriate code enforcement department prior to occupancy of the structure or land for the proposed use. All binding elements requiring action and approval must be implemented prior to requesting issuance of the certificate of occupancy, unless specifically waived by the Planning Commission.
8. There shall be no outdoor music (live, piped, radio or amplified) or outdoor entertainment or outdoor PA system audible beyond the property line.

9. The applicant, developer, or property owner shall provide copies of these binding elements to tenants, purchasers, contractors, subcontractors and other parties engaged in development of this site and shall advise them of the content of these binding elements. These binding elements shall run with the land and the owner of the property and occupant of the property shall at all times be responsible for compliance with these binding elements. At all times during development of the site, the applicant and developer, their heirs, successors; and assignees, contractors, subcontractors, and other parties engaged in development of the site, shall be responsible for compliance with these binding elements.
10. At the time a certificate of occupancy for the specific use is requested, the applicant shall submit a certification statement to the permit issuing agency, from an engineer, or other qualified professional stating that any new lighting fixtures and elements of the proposed development is in compliance with Chapter 4 Part 1.3 of the land development code and shall be maintained there after. No certificate of occupancy for the specific outlined in this plan shall be issued unless such certification statement is submitted. Lighting shall be maintained on the property in accordance with Chapter 4 Part 1.3 of the land development code.

The above binding elements of the district development plan are agreed to by the property owner _____, 2007.

OWNER OR OWNER'S AUTHORIZED REPRESENTATIVE

All binding elements and/or conditions of approval stated in this report are accepted in total without exception by the entity requesting approval of this (these) development item(s).

Name

Title

Date